

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL CASE NO. 1:11cr10**

**UNITED STATES OF AMERICA,**

**vs.**

**JAMES W. "BILL" BAILEY, JR.**  
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**ORDER**

**THIS MATTER** is before the Court on the Government's Response to the Petition of James W. Carter and Marilyn F. Carter and the Petition of William Ellis Peacock and Penny Peacock [Doc. 246].

In their Petition, James W. Carter and Marilyn F. Carter (collectively "the Carters") assert a 50% interest in the property identified in the Consent Order and Judgment of Forfeiture as "the real property at 261 3rd Street, Key Colony Beach, Florida, more particularly described as Parcel Number 010072750-000000 in the Monroe County Register of Deeds" ("the Subject Property"). [Doc. 113]. In their Petition, William Ellis Peacock and Penny Peacock (collectively, "the Peacocks") assert a 14.1% in the Subject Property. [Doc. 115]. A third Petition filed on behalf of William Ellis Peacock, the William Ellis Peacock Individual Retirement Account, and the William Ellis Peacock Real

Estate IRA, LLC (collectively, “the Peacock LLC”) asserts a 35.9% in the Subject Property. [Doc. 121]. The Government advises the Court that it does not intend to contest the Petitions filed by the Carters and the Peacocks, but that it does still intend to seek final forfeiture of the 35.9% interest held by the Peacock LLC in the Subject Property. [Doc. 246].

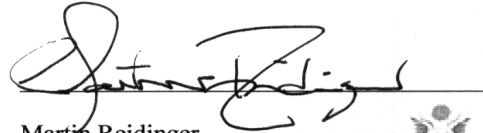
In light of the Government’s Response, the Court will grant the Petitions of the Carters and the Peacocks and amend the Consent Order and Judgment of Forfeiture accordingly.

**IT IS, THEREFORE, ORDERED** that the Petition of James W. and Marilyn F. Carter [Doc. 113] and the Petition of William Ellis Peacock and Penny Peacock [Doc. 115] are **GRANTED**, and paragraph VI-jj of the Consent Order and Judgment of Forfeiture [Doc. 16] is hereby amended to read as follows:

- jj. Any and all interest, other than a 50% interest held by James W. Carter and Marilyn F. Carter and a 14.1% interest held by William Ellis Peacock and Penny Peacock, in the real property at 261 3rd Street, Key Colony Beach, Florida, more particularly described as Parcel Number 010072750-000000 in the Monroe County Register of Deeds.

**IT IS SO ORDERED.**

Signed: August 10, 2011

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
United States District Judge

